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Before the
FEDERAL COMMUNICATIONS COMMISSION
 Washington, D.C. 20554

Federal Communications Commission
 Office of Secretary

In the Matter of)
)
 Advanced Television Systems and) MM Docket No. 87-268
 Their Impact upon the Existing)
 Television Broadcast Service)

**Petition for Reconsideration of
 Community Television of Southern California**

Community Television of Southern California, licensee of noncommercial educational television Station KCET-TV, Channel *28, Los Angeles ("KCET"), hereby petitions the Commission for reconsideration of that portion of the Sixth Report and Order in MM Docket No. 87-268, FCC 97-115 (released April 21, 1997) ("Sixth Report") assigning DTV Channel *59 to KCET.¹ As a community-based, nonprofit organization largely dependent on individual and corporate contributions for its capital and other needs, KCET can ill afford the substantial additional expense of constructing a second DTV channel, which is what this assignment will require. While KCET recognizes that a wholesale revision of the Table of DTV Allotments is not practicable, the Commission's failure to release OET Bulletin

¹ As a television licensee subject to the rules adopted in the Sixth Report, KCET is an "interested person" for the purposes of Section 1.429(a) of the Commission's Rules and accordingly may file this Petition pursuant to that provision. KCET has also joined in the Petition for Clarification and Partial Reconsideration filed in this proceeding by the Association for Maximum Service Television, Inc., the Broadcasters Caucus and other Broadcasters ("Broadcasters Caucus").

No. 69 has precluded KCET from exploring alternative allotments which might relieve it of the financial burdens associated with a channel outside the "core" of channels that will ultimately be allocated for DTV television use. In order to permit KCET to explore the feasibility of obtaining a channel in the core, it urges the Commission to reconsider the allotment of Channel *59 and to give it the opportunity after the Commission releases OET Bulletin No. 69 to find a channel in the "core."

Argument

KCET is the preeminent public television station in Los Angeles, the nation's second largest television market, and is one of the major program production centers for the nation's public television system. KCET also provides a wide variety of other educational services to the Los Angeles area.

KCET is looking forward to constructing its digital television facilities and commencing DTV operation in order to take advantage of the new, creative and valuable services which this transmission system can deliver. The rapid deployment of its DTV facilities will also permit KCET to keep pace with the commercial stations in the highly competitive Los Angeles market and will facilitate its ability to attract the contributions it requires to operate as well as tap funding sources for the provision of cutting-edge DTV services.

It is concerned, however, that the Commission has assigned it Channel *59 as its DTV assignment. Under the Commission's DTV rules, the Commission will reclaim that channel

at the end of the transition period, currently set for May 1, 2006, and KCET will be required to move its DTV operations to its current NTSC channel or some other suitable channel between Channels 2 to 46 or Channels 7 to 51, depending on which "core" the Commission ultimately selects. Relocating from Channel *59 to a channel in the core will require KCET to construct a second DTV station within the next ten years.

As a community-based, private nonprofit corporation dependent on individual and corporate contributions, KCET will be hard-pressed to raise the funds to construct two DTV stations within that very short period of time. Raising the funds to construct KCET's initial DTV station will be difficult, particularly in light of the stagnation in corporate contributions to public television and the cutback in federal support. Raising an additional \$1 to \$2 million to construct a second station will be significantly harder. Indeed, there is no assurance that the individuals, corporations, and foundations which provide funding for the first facility will be willing to contribute again for a second station -- especially in such a short period of time. Further, since KCET relies on many of the same sources of funding for its operating expenses, the need to raise money for two DTV stations could adversely affect its ability to fund its operating expenses for the NTSC and DTV stations -- operating expenses that will increase substantially given the large power bills associated with a high-band UHF DTV station.

Allotment of a DTV channel in the "core" would have obviated many of these problems. And, KCET is at a loss to understand how it was relegated to Channel *59 -- a channel in the upper reaches of the UHF band with higher power costs and poor signal coverage. In the Commission's Draft Table of DTV Allotments,² the Commission had proposed assigning DTV Channel *27 to KCET, a channel within the "core." The Commission did not explain in the Sixth Report why that channel could not have been assigned to KCET or why KCET ended up with Channel 59. Further, KCET operates from the Mount Wilson antenna farm, and several of the DTV allotments in the Sixth Report for other Los Angeles stations are for channels within the core. Given the Commission's recognition of the financial plight of public broadcasting, KCET would have thought the Commission would have tried to assign channels inside the core to public television stations.

While KCET recognizes that it is not feasible for the Commission to revisit the Table of DTV Allotments, some minor adjustments might be feasible -- adjustments that would permit KCET to find a DTV channel in the core. KCET is unable to make any such suggestions since the Commission has not yet released OET Bulletin No. 69. Thus, at a minimum, it urges the Commission to give it, and other similarly situated stations, a reasonable opportunity after release of the Bulletin to

² Sixth Further Notice of Proposed Rulemaking, FCC 96-317 (released August 14, 1996).

determine whether Channel *27 or an alternative channel in the core can be allotted.

In addition, KCET supports the proposals advanced by the Association of America's Public Television Stations and the Public Broadcasting Service (APTS/PBS) in their Petition for Reconsideration and Clarification for assisting public television stations that have received DTV channel assignments outside the core. Those proposals would, among other things, (a) give public television stations with DTV assignments outside the core priority in obtaining channels in the core where the FCC implements marketwide or regional solutions to specific technical problems identified by the Broadcasters Caucus, as described in its Petition for Reconsideration in this proceeding; and (b) allow individual public television stations the option of deploying DTV channels in the core where the channel might not satisfy the planning factors underlying the Table of Allotments.

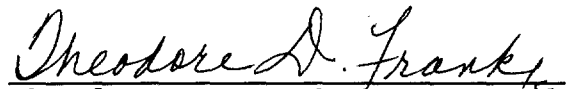
KCET also supports the proposal to require commercial entities that acquire the reclaimed spectrum to reimburse stations required to change channels.³ Adoption of these proposals will reduce the prospects that KCET will have to incur the substantial expense of building a second DTV station in ten

³ That proposal, however, is at best a poor second to an allotment in the core. Administrative uncertainties and the timing of the auction all raise questions whether the commercial entities will actually reimburse stations with DTV channels outside the core in sufficient time to permit the stations to construct a second station by May 1, 2006.

years and facilitate its efforts to bring digital public television to the nation's second largest television market.

For the reasons set forth in the APTS/PBS Petition and herein, KCET accordingly requests that the Commission reconsider its allotment of DTV Channel *59 to KCET, give KCET a reasonable period of time to find a suitable channel after the Commission releases OET Bulletin No. 69, and otherwise give it flexibility to find an alternative DTV channel in the core.

Respectfully submitted,



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